



OFFICE OF THE VICE PRESIDENT

WASHINGTON

May 25, 2001

Mr. Reid Stuntz
Minority Chief Counsel and Staff Director
Committee on Commerce
Room 2322, Rayburn House Office Building
Washington, D.C. 20515-6115

Mr. Phil Barnett
Minority Chief Counsel
Committee on Government Reform
Room B-350A, Rayburn House Office Building
Washington, D.C. 20515-6143

Gentlemen:

This is in response to the letter of May 22, 2001 from Representatives John D. Dingell and Henry A. Waxman regarding my letter of May 16, 2001 to the General Counsel of the General Accounting Office (GAO) and their letter of May 15, 2001 to the Executive Director of the National Energy Policy Development Group. It also follows up on previous correspondence consisting of the letter from Representatives Dingell and Waxman of April 19, 2001 asking detailed questions relating to the Group and my reply of May 4, 2001 to that letter, forwarding as a matter of comity detailed responses to the questions.

We have provided substantial information as a matter of comity between the executive and legislative branches, with due regard for the constitutional separation of powers and the rights of Americans to petition their government, and reserving all legal authorities and privileges that may apply. We recognize the sensitivity of this matter and are proceeding with care and with proper respect for coordinate branches of government.

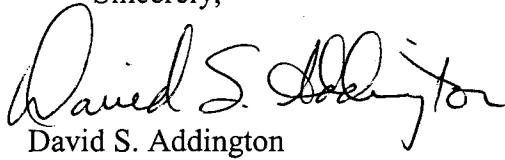
The letter of May 22, 2001 confirms that it is the GAO, and not the House of Representatives, whose power is intended to be exercised by the conduct of the proposed inquiry, and thus it appears that the letter of May 16th to the General Counsel of the GAO was addressed to the proper party.

My letter of May 16th requested that the GAO General Counsel ask the Comptroller General to examine whether proceeding with an inquiry to review the composition and workings of the National Energy Policy Development Group as outlined in a GAO Facsimile Transmittal Sheet dated May 8, 2001 is appropriate, in compliance with the

law, and, especially in light of the information already provided as a matter of comity, a productive use of resources. The letter urged that, after considering those factors, he not proceed with the proposed inquiry. It also requested that, if the Comptroller General decides to proceed with an inquiry, the GAO General Counsel send a statement of the legal authority for the GAO inquiry and a description of its purpose and scope, to aid in determining at that point how best to proceed.

The General Counsel of the GAO has not yet had the opportunity to send a reply to the letter of May 16th, but we hope to receive that reply soon.

Sincerely,

A handwritten signature in dark ink, appearing to read "David S. Addington". The signature is fluid and cursive, with the first name "David" being the most prominent.

David S. Addington
Counsel to the Vice President

cc: Mr. James Barnette
General Counsel
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Mr. James Wilson
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The Honorable Anthony Gamboa
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